

**REMARKS**

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated February 1, 2010 (U.S. Patent Office Paper No. 20100126). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

**Status of the Claims**

As outlined above, claims 1-13 stand for consideration in this application, wherein claims 14-24 have been provisionally withdrawn with traverse and without prejudice or disclaimer, and wherein claims 1-13 are being amended to improve form. All amendments to the application are fully supported therein. For example, the amendments to the claims are supported by paragraphs [0011]-[0012], paragraph [0016], and Figure 2 of the present application as originally filed. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

**Restriction Requirement**

As noted above, claims 14-24 have been provisionally withdrawn with traverse in view of the Requirement for Restriction/Election mailed on August 18, 2009. Applicants' representative corresponded the Examiner via telephone on May 25, 2010 with regard to the Examiner's remarks on page 2 of the Office Action dated February 1, 2010 concerning the restriction requirement. During the conversation with the Examiner on May 25, 2010, Applicants' representative requested that the finality of the requirement for restriction be withdrawn.

In particular, Applicants' representative conveyed that Applicants desired to maintain their traversal of the requirement for restriction. In particular, Applicants' representative noted that while the restriction requirement was based on the assertion that "Group I lacks multiple special technical features claimed in Group II," under the principles of unity of invention as outlined in MPEP §1893.03(d), "[a] group of invention is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature." Accordingly, a proper unity of invention requirement would be based on an assertion that

there is no technical relationship among the inventions that involves at least one common or corresponding special technical feature and not, as provided in the Examiner's remarks, based on an assertion that there exist differences between the entirety of the technical features recited in two groups of claims.

Moreover, Applicants' representative further noted that while the restriction requirement was specifically based on the assertion that "Group I lacks the method recited in Group II; the detection mechanism when the fluid level reach below of a limit value (claim 17 of Group II); and the pressure chamber being a chamber containing detergent (claim 24 of Group II), claims 17 and 24 are dependent claims 1. Under the principles of unity of invention as outlined in MPEP §1850, "[u]nity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims."

In response to Applicants' concerns regarding the restriction requirement, the Examiner stated that a USPTO specialist in the principles of unity of invention would be reviewing the restriction requirement and that, upon completion of this review, the Examiner would contact Applicants' representative to further discuss.

#### Formality Rejections

Claims 3-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner stated that claims 3, 7, and 13 include various phrases that renders the claims indefinite and that claims 9 and 10 are unclear because each recite both a broadly recited limitation and a narrow limitation that falls within the broadly recited limitation.

As set forth above, claims 3, 7, 9, 10, and 13 are each being amended to improve form in accordance with the clarity issues raised by the Examiner. Accordingly, Applicants respectively submit that the present invention as claimed is definite and request reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

#### Allowable Subject Matter

The Examiner noted that claims 11-13 would each be allowable if rewritten in independent form to overcome the rejections under 35 U.S.C. §112, second paragraph, discussed above and to include all of the limitations of the base claim and any intervening claims from which they depend.

### Prior Art Rejections

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by Holsclaw (U.S. Patent No. 6,482,370). The Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Holsclaw in view of Moore (U.S. Patent No. 3,014,620). The Examiner rejected claims 4-10 under 35 U.S.C. §103(a) as being unpatentable over Holsclaw in view of Yamada (U.S. Patent No. 5,151,731). Applicants have reviewed the above-noted rejections, and hereby respectfully traverse.

For anticipation to be present under 35 U.S.C. §102, “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). More particularly, under 35 U.S.C. §102, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). That is, to anticipate a claim under §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Burient, Inc.*, 827 F.2d 744, 747 (Fed. Cir. 1987).

As outlined above, claims 1-13 remain of record. Applicants respectfully submit that Holsclaw fails to show each and every limitation of claims 1 and 2. For example, Holsclaw fails to teach or disclose “**a pressure control device configured to control pressure** in the pressure chamber **according to a desired pressure level** via the compressed air line” as required by independent claim 1. Rather, Holsclaw contrastingly describes a water treatment system that includes “a reservoir containing water,” “means for pressurizing the reservoir such as with air pressure from a compressor,” and “means for depressuring the reservoir such as a relief valve.” (Col. 2, ll. 51-61) (emphasis added). More particularly, Holsclaw merely describes that “[a] cleaning mode comprises the steps of filling a reservoir containing water and opening a pressure relief valve in fluid communication with the reservoir depressurizing the reservoir” (col. 3, ll. 10-13) and that an operating mode comprises “closing the pressure relief valve in fluid communication with the reservoir for pressurizing same; pressurizing the reservoir and the water line in fluid communication therewith with pressurized air or pressurized water; [and] storing the ozonated water in the reservoir for a selected period of time under pressure.” (Col. 3, ll. 25-33).

That is, Holsclaw simply describes generally pressurizing a reservoir using pressurized air and generally depressurizing a reservoir by leaving a pressure relief valve

open. Holsclaw fails to include any mention or suggestion of any **desired pressure level** according to which pressure in a pressure chamber is **controlled**. A pressure relief valve that is closed when pressurizing a reservoir and left open when depressurizing a reservoir, as described in Holsclaw, is clearly not “a pressure control device **configured to control pressure in the pressure chamber according to a desired pressure level** via the compressed air line” as required by claim 1. For this reason alone, claim 1 is patentable over Holsclaw.

In another example, Holsclaw fails to teach or disclose “a pump arranged along the feed water line upstream of the said pressure chamber and **configured to pump water to said pressure chamber when the pressure in the pressure chamber is greater than a pressure in the feed water line upstream of the pressure chamber**” as required by claim 1. On page 4 of the Office Action, the Examiner cites the feed water line 12 described in Holsclaw as inherently having “a pump capable of pumping/flowing water from the city water source to and against the pressure prevailing in the pressure chamber.” Applicants, however, respectfully disagree. In fact, Holsclaw, in direct contrast to a pump capable of pumping water to a pressure chamber when the pressure in the pressure chamber is greater than a pressure in a feed water line upstream of the pressure chamber, explicitly describes that “[t]he supply line 12 provides water from the city water supply **at standard pressures typically up to 60 psig**; however, the preferred embodiment includes **a pressure regulator to control the pressure of the water feed supply to about 30 to 40 psig**.” (Col. 4, ll. 25-30) (emphasis added). That is, not only does Holsclaw describe a typical scenario in which already pressurized water is supply from a city water supply (and, therefore, no pump would be necessary to supply water from the city water supply via the supply line), Holsclaw further describes only a pressure regulator that is used to **depressurize** the pressurized water supplied from the city water supply. Furthermore, Holsclaw explicitly describes that, during the operation mode, “[t]he relief valve is closed and **the water feed supply line 12 valve is open to pressurize the system**.” (Col. 7, ll. 56-57) (emphasis added).

A supply line that is used for pressurizing an unpressurized reservoir using water that has already been pressurized and preferably uses a pressure regulator to desirably lower the pressure level of the water, as described in Holsclaw, certainly does not inherently utilize any pump configured to pump water to said pressure chamber against the pressure in the pressure chamber, as required by claim 1. The inclusion of such a pump would not serve any purpose in the water treatment system of Holsclaw and may even interfere with the operation of the pressure regulator described in Holsclaw. Accordingly, Holsclaw fails to teach or disclose “a

pump arranged along the feed water line upstream of the said pressure chamber and configured to pump water to said pressure chamber when the pressure in the pressure chamber is greater than a pressure in the feed water line upstream of the pressure chamber" as required by claim 1. For this reason alone, claim 1 is patentable over Holsclaw.

For at least these reasons, Holsclaw fails to teach each and every limitation of claim 1. Because claim 2 depends directly from claim 1, Applicants respectfully submit that Holsclaw does not anticipate claim 2 for at least the same reasons as it does not anticipate claim 1. Applicants therefore respectfully request reconsideration and withdrawal of the rejections based on Holsclaw and submit that claims 1 and 2 are now in condition for allowance.

A proper obviousness rejection that relies on a combination of prior art elements requires establishing that the prior art references, when combined, teach or suggest all of the claim limitations. MPEP §2143. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). That is, to render a claim obvious under 35 U.S.C. §103, a determination must be made that the claimed invention "as a whole" would have been obvious to person of ordinary skill in the art when the invention was unknown and just before it was made. MPEP §2142.

Accordingly, Applicants respectfully submit that Holsclaw, either alone or in combination with Moore and/or Yamada, fails to teach, suggest, or disclose each and every limitation of claims 3-10. For example, none of the cited references teach or suggest "a pressure control device configured to control pressure in the pressure chamber according to a desired pressure level via the compressed air line" as required by independent claim 1, from which each of claims 3-10 either directly or indirectly depend. Rather, as discussed above, Holsclaw fails to include any mention or suggestion of this required limitation of claim 1. Likewise, Moore simply describes that "[a] three-way valve 14 is provided to introduce compressed air from a compressor 15 into the reservoir 10 during a filling operation and to exhaust air from the reservoir upon completion of the filling cycle" (col. 2, ll. 56-62) and that "[a]t a predetermined time before the transistor can is filled, the supply of compressed air of the reservoir is cut off and the compressed air in the reservoir exhausted into the atmosphere." (Col. 1., 54-57). That is, like Holsclaw, Moore merely describes generally pressurizing a reservoir using pressurized air and generally depressurizing a reservoir, and fails to include any mention or suggestion of any desired pressure level according to which pressure in a pressure chamber is controlled. Moreover, Yamada also fails to include any

mention of suggestion of “a pressure control device configured to control pressure in the pressure chamber according to a desired pressure level via the compressed air line” as required by claim 1.

As another example, none of the cited references teach or suggest “a pump arranged along the feed water line upstream of the said pressure chamber and configured to pump water to said pressure chamber when the pressure in the pressure chamber is greater than a pressure in the feed water line upstream of the pressure chamber” as required by claim 1. Rather, as discussed above, Holsclaw fails to include any mention or suggestion of this required limitation of claim 1. Moreover, Yamada merely describes a replenishing system in which “[t]o the water storage tank 180 are connected conduits 181, 182, 183 and 184 having pumps 191, 192, 193 and 194 inserted therein.” (Col. 9, ll. 3-5). A general mention of pumps, as provided in Yamada, is clearly not sufficient to teach or suggest a pump that is configured to pump water to a pressure chamber when the pressure in the pressure chamber is greater than a pressure in a feed water line upstream of the pressure chamber, as required by claim 1. Likewise, Moore fails to include any mention or suggestion of “a pump arranged along the feed water line upstream of the said pressure chamber and configured to pump water to said pressure chamber when the pressure in the pressure chamber is greater than a pressure in the feed water line upstream of the pressure chamber” as required by claim 1.

For at least these reasons, Applicants respectfully submit that Holsclaw, either alone or in combination with Moore and/or Yamada, fails to teach, disclose, or suggest each and every limitation of claim 1. Where an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 U.P.S.Q.2d 1596, 1598 (Fed. Cir. 1988). Because claims 3-10 depend either directly or indirectly from claim 1, Applicants respectfully submit that Holsclaw, either alone or in combination with Moore and/or Yamada, does not render obvious claims 3-10 for at least the reasons set forth above that it does not render obvious claim 1 and, therefore, that claims 3-10 are also now in condition for allowance.

Therefore, Applicants respectfully submit that the present invention as claimed is distinguishable and thereby allowable over the prior art of record.

Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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